



Planning & Development
City of Las Vegas
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

June 27, 2006

Re: Justification letter for Special Use Permit for a Massage Envy franchise to be located at 7175 W. Lake Mead Blvd., in the Rock Springs Shopping center, SWC of Rock Springs & Lake Mead Blvd, Las Vegas NV.

To Whom It May Concern:

Massage Envy is a nationally franchised business delivering wholesome therapeutic massage on a professional, convenient and affordable basis to "main stream" America. We are the good guys bringing legitimate therapeutic massage into the mainstream and DO NOT represent a proliferation of the sort of massage parlors that have given the massage industry a suspicious image!

As we apply for the requisite special use permit, we also seek a variance and/or waiver on 3 of the 5 zoning restrictions pertaining to massage establishments as contained in Chapter 19.04 of the Las Vegas Zoning Code as follows:

1. The code requires that massage establishments not be located within 400 feet of a school. The southern property boundary of the Rock Springs Shopping plaza is approximately 340' from the northern property boundary of the James E. Miller Elementary School which lies south of the site. However, the actual space we plan to occupy is well over 500' from the school's buildings & playgrounds and Massage Envy is NOT your typical "massage parlor" of old – we are an utterly wholesome, legitimate, modest and moral therapeutic massage clinic - more like an elegant day spa and NOTHING like the "Asian/Oriental Massage Parlors" that most municipalities around the nation seek to restrict and which likely give rise to this zoning restriction. Our selected location is not in the path of children walking home. No parents will have to answer any embarrassing questions their children might ask about Massage Envy. Because the specific suite is well over 400' from the school and because Massage Envy is NOT like the sort of massage parlors that likely gave rise to this zoning restriction, we request and hope a waiver will be granted.
2. The code requires that massage establishments not be located within 1,000 feet of any other massage establishment. Our proposed site is not within 1,000 feet of a "massage establishment", but we are about 400' from the Jagged Edge Day Spa and Salon and approximately 1,000' from the Destination Garden Salon & Spa. The city indicates that both of these businesses hold massage licenses, but the Jagged Edge Day Spa & Salon no longer offers massage, but only hair, nail & facial services. As for the Destination Garden Salon & Spa, massage is an ancillary service to their main business of hair, nails & facials, etc. We hope and assume that the intent of this zoning restriction is probably to prevent the proliferation of "massage parlor row" such as exists in several other places around the city – and not to unreasonably restrict legitimate business establishments offering wholesome therapeutic massage services.
3. The zoning code limits hours of operation from 8:00 AM to 9:00 PM. By Massage Envy franchise agreement, franchisees are supposed to operate between 8:00 AM and 10:00 PM M-F; 8:00 AM – 6:00 PM Saturday; and 10:00 AM to 6:00 PM Sundays. We will gladly comply with the hours of operation the City deems appropriate, but if possible, do request a waiver allowing us to operate 1 hour later than the current zoning restriction so that we can operate within normal franchise hours. This will allow us to be consistent with the other Massage Envy clinics around the city and nation without likely violating the spirit or intention of this zoning restriction.

SUP-14757
08/10/06 PC

Massage Envy Business Philosophy

Massage Envy knows that wholesome therapeutic massage performed regularly and frequently provides dozens of proven health, medical and wellness benefits to our clients. So we have established a business model which allows EVERYONE to avail themselves of a truly professional massage, at convenient times and affordable prices.

Professional - Each Massage Envy clinic hires only fully licensed, insured and certified massage therapists who are employees with access to health insurance and who are covered by worker's compensation insurance. Each clinic is 2,800 – 3,500 sq. ft. in size, containing 11-15 therapeutic massage treatment rooms, a lobby with front desk, 1 or 2 business offices, 2 restrooms, a "quiet room", a storage room for linens and lotions, and a break room for the therapists. All interior tenant improvements are completed in accordance with strict franchise design standards consisting of high quality, elegant and tasteful materials and décor giving the clinics a consistently professional image. We operate totally professional clinics staffed with certified professional therapists!

Convenient – For the convenience of client's, Massage Envy clinics are located in high quality regional and neighborhood retail shopping centers, and are open 7 days a week for 88 hours as follows: 8:00 am – 10:00 pm Monday – Friday; 8:00 am – 6:00 pm Saturday; and 10:00 am – 6:00 pm Sunday. Each monthly dues payment pre-pays for a monthly 1-hour massage session (which includes 50 minutes of hands-on body work and allows 10 minutes for checking in, consultation with the therapist and dressing.) Prepaid massages which are not redeemed during the month roll over to subsequent months and are available for the entire term of your membership! Clients may sign up for membership at any Massage Envy location, and enjoy membership privileges at any of the Massage Envy clinics across the country. With numerous hours of operation, numerous therapy rooms and therapists at each location, and numerous clinics in each market – each located in highly accessible, upscale and reputable retail shopping centers - Massage Envy has made it extremely convenient to get a wholesome therapeutic massage – when the client needs one!

Affordable – Massage Envy has based its business around a membership model, much like the health and fitness clubs. By having the commitment from our members of guaranteed massages on a monthly basis, we are able to offer extremely affordable prices – often less than half the cost of other massage establishments. Membership programs range from 3 to 12 months in duration and dues are just \$59.00/month. One full body hour-long massage session is included with the monthly membership dues and unlimited additional massages in the month are just \$39.00 each!

Wholesome – Perhaps more than anything else, Massage Envy prides itself in establishing and maintaining the highest standards of cleanliness, decency, morality and wholesomeness in our clinics. Each location is maintained to the highest standards of cleanliness and sanitation! We have a strictly zero tolerance policy relative to any inappropriate, immoral, illegal or unwholesome behavior from either our therapists or customers and immediately report to law enforcement agencies, any such activity on those rare occasions when it may occur.

This rest of this letter will attempt to address frequent questions often asked by municipal planners.

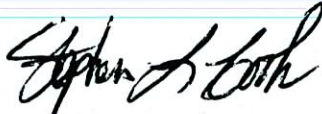
- **Does the proposed use comply with all applicable provisions of the Development Code?** We are locating in a new retail shopping complex which we assume will have previously complied with all provisions of the development code.
- **Is the proposed use compatible with all adjacent uses in terms of scale, site design, operation characteristics, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts?** Yes – again, we are locating in a new retail center so there are no considerations relative to physical facilities being incompatible. Our hours of operation are similar to those of the shopping complex and we create no noise, lights, odor, dust or other external impacts.
- **Will public safety, transportation and utility facilities and services be available to serve the subject property while maintaining sufficient levels of service to existing Development?** Yes, again, we'll hopefully be part of an a new fully operating retail center.

June 26, 2006

- **Any significant adverse impacts on the natural environment?** No, there are no adverse impacts on the natural environment from a Massage Envy franchise operation.
- **Will the proposed use exceed the capacity of public services?** No, because the Massage Envy operation will merely be a part of the greater retail center, there will not be demands for public services in excess of those already factored into the needs of the shopping center when fully leased.

We hope you will accept this submission and grant a special use permit. Please feel free to call me anytime for additional information or if you have questions.

Sincerely,



Stephen L. Cook
Regional Franchise Developer
Massage Envy – Arizona Region